MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.16343 OF 2003

National Insurance Co.Ltd. Appellant
versus
Paribai Krushna Chavan & others Respondents

Mr.M.B.Kotak for appellant.

CORAM : A.S.OKA, J.

DATE : 07th February 2007

PC :

1. Heard Shri Kotak for the appellant. The appellant is the Insurer of the vehicle involved in the accident. The defence of the appellant was that at the time of accident, the Driver of the vehicle was driving the vehicle without a valid driving licence and, therefore, the Insured has committed breach of the terms and conditions of the policy.

2. The burden to prove the breach of terms and conditions of the policy, was on the appellant. The appellant has not led any evidence to discharge it’s burden. There is no dispute about the fact that on the date of accident there was a valid policy of insurance insofar as offending vehicle is concerned. As no evidence was led to

prove the breach of the terms and conditions of the policy, the learned Judge of the Tribunal has not accepted the case made out by the appellant.

3. I find no error in the view taken by the Tribunal. There is no merit in the appeal and the same is dismissed with no order as to costs.

(A.S.OKA, J.)